

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GENE RUSSO,

Plaintiff,

-v.-

NJ TRANSIT RAIL OPERATIONS, INC.,

Defendant.

22 Civ. 01751 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

On January 3, 2024, the Court held a final pretrial conference in this action. In accordance with the matters discussed at the conference, it is hereby ORDERED as follows:


- Trial in this matter is adjourned to **Tuesday, January 9, 2024**. Counsel shall appear for a conference at 9:00 a.m., immediately prior to jury selection. The conference will be held in Courtroom 12B of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York.
- Each day of trial, the Court anticipates sitting from approximately 9:00 a.m. to 4:30 p.m.
- Each party will be allotted four hours, which will include direct examination, cross-examination, rebuttal, sidebars, and any lengthy colloquies before the jury,¹ i.e., any time counsel are on their feet, except for opening statements and summations. Counsel are reminded that, during their case-in-chief, they are always required to have their next witness ready. A party who does not have a witness ready when the testimony of the preceding witness has concluded will be deemed to have rested its case.
- The parties shall meet and confer in an effort to resolve disputes over the admissibility of exhibits, in accordance with Rule 7.F of the Court's Individual Rules and Practices in Civil Cases. By **Sunday, January 7, 2024 at 12:00 p.m.**, the parties shall file a joint letter (1) identifying all disputes that the parties have resolved; (2) attaching any exhibits to which a party continues to object; and (3) for every disputed exhibit, setting out (a) a description of each ground upon which the party objects, with citations to the Federal Rules of Evidence and any other applicable authorities, and (b) the proponent's response to the objection.

¹ As stated at the January 3 conference, the Court will split down the middle the time expended on sidebars and colloquies. Accordingly, the parties are strongly encouraged to resolve any evidentiary disputes ahead of trial.

- Simultaneously with the parties' submission of the aforementioned joint letter, on **Sunday, January 7, 2024 at 12:00 p.m.**, the parties shall submit (1) their finalized exhibit lists, formatted in accordance with Rule 7.G of the Court's Rules; and (2) electronic copies of their trial exhibits, which shall be submitted to the Court via a link requested by the parties and provided by Chambers as set forth in Rule 7.G.
- By **Sunday, January 7, 2024 at 12:00 p.m.**, the parties shall meet and confer and file revised joint proposed jury instructions, in full compliance with Rule 7.B.iii of the Court's Rules. Even where the parties have substantive disagreements, the parties shall endeavor to agree on as much of the language of the instructions as possible. For any positions on which the parties do not agree, they shall propose alternative language and shall provide authorities supporting their respective positions.

SO ORDERED.

Dated: January 4, 2024
New York, New York


JENNIFER H. REARDEN
United States District Judge